

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: EDWARD A. HUBBARD  
Filed: MARCH 30, 2000  
For: NETWORK SITE TESTING METHOD AND ASSOCIATED SYSTEM  
Serial No.: 09/539,106  
Group Art Unit: UNKNOWN  
Examiner: UNKNOWN  
Atty Dkt: ETHG:006  
f/n/a BAY3:006

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<u>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8</u>	
Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in a first class envelope, postage prepaid, addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on the date below:	
5-17-00 Date 18 DSK	Robert Ferrara [Name]

Assistant Commissioner For Patents  
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71 AND 3.73  
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office filed concurrently herewith, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) (PTO Form PTO/SB/96 (6-98)) is concurrently filed herewith.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, and William W. Enders, Reg. No. 41,735, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection

therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

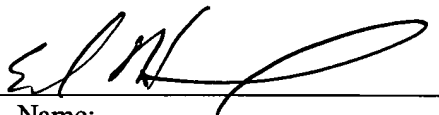
Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to ETHERGENT CORPORATION referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

BRIAN W. PETERMAN  
O'KEEFE, EGAN & PETERMAN, LLP  
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Building C, Suite 200  
Austin, Texas 78746  
512/347-1611  
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ASSIGNEE:

ETHERGENT CORPORATION

By:   
Name:  
Title:

Date: 5/15/00

ASSIGNMENT:

- ☒ Filed concurrently herewith  
☐ Previously filed [date](copy enclosed)  
☐ Previously recorded  
Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_

cc: Edward Hubbard

O'KEEFE, EGAN & PETERMAN, L.L.P.  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Edward A. Hubbard

Application No./Patent No.: 09/539,106 Filed/Issue Date: March 30, 2000

Entitled: NETWORK SITE TESTING METHOD AND ASSOCIATED SYSTEM

Ethergent Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_ or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

5/15/00  
Date

[Signature]  
Signature

Edward A. Hubbard  
Typed or printed name

Chief Executive Officer

Title